

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TIANA ELNORA TROUPE,
ELIJA DA-VON WALTER TROUPE, and
MADISON KENNETH TROUPE II, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MADISON TROUPE,

Respondent-Appellant,

and

BERNADINE ALETA MASON, a/k/a
BERNADINE ALETA TROUPE, MARKEITH
PETTY, and SYDNEY THEDFORD,

Respondents.

In the Matter of JARRELL MONTEZ MASON,
KEVIN EARL MASON, TIANA ELNORA
TROUPE, ELIJAH DA-VON WALTER TROUPE,
and MADISON KENNETH TROUPE II, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BERNADINE ALETA MASON, a/k/a
BERNADINE ALETA TROUPE,

UNPUBLISHED
November 14, 2006

No. 268360
Wayne Circuit Court
Family Division
LC No. 04-431948-NA

No. 268361
Wayne Circuit Court
Family Division
LC No. 04-431948-NA

Respondent-Appellant,

and

MARKEITH PETTY, SYDNEY THEDFORD, and
MADISON KENNETH TROUPE,

Respondents.

Before: Fort Hood, P.J., and Murray and Donofrio, JJ.

PER CURIAM.

In these consolidated appeals, respondents Madison Troupe and Bernadine Aleta Mason appeal as of right from the order terminating their parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

Termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one statutory ground for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once this has occurred, the trial court shall terminate parental rights unless it finds that the termination is clearly not in the best interests of the children. *Id.* at 353. This Court reviews the trial court's findings under the clearly erroneous standard. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

Respondents challenge only the trial court's finding with regard to MCL 712A.19b(3)(c)(i). They contend that petitioner did not help them rectify the conditions that led to adjudication. Caseworker Mariama Montgomery-Jones testified that respondents never had a drug assessment, despite being referred numerous times. Respondent-mother, on the other hand, testified that she and her husband went to Herman Keifer and were refused service. According to respondent-mother, they went to another agency and provided them with information. However, nothing resulted from respondents' contact with the subsequent agency.

Respondents were also ordered to submit random drug screens. However, they failed to submit a vast majority of the requested drug screens. In addition, the drug screens that respondents did submit were positive for cocaine.

Based on the above evidence, and giving the appropriate deference to the trial court's special opportunity to judge the credibility of the caseworker and respondent-mother, *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005), we hold that the trial court did not err in finding that petitioner assisted respondents in rectifying the condition that led to adjudication. Respondents' failure to rectify the condition that led to adjudication was not caused by petitioner's failure to make reasonable efforts at reunification. Rather, it was caused by respondents' refusal to take advantage of the services offered to them to address their substance abuse problem. Therefore, the trial court did not clearly err in finding that the condition that led to adjudication continued to exist. The amount of time respondents were given to address their problem, and their failure to do so, supports the trial court's finding that the condition would not

be rectified within a reasonable time considering the children's ages. Thus, the trial court did not clearly err in terminating respondents' parental rights pursuant to MCL 712A.19b(3)(c)(i). We note that respondents' continued substance abuse also supports the trial court's finding that MCL 712A.19b(3)(g) and (j) were established by clear and convincing evidence.

Respondents next challenge the trial court's finding that it was not contrary to the children's best interests to terminate respondents' parental rights. Respondents submit that they loved their children and that they received little assistance from petitioner. However, these children need more than respondents' love. They needed a stable and safe environment in which to live. Because respondents failed to adequately address their substance abuse, despite assistance from petitioner, they could not provide such an environment for their children. Thus, the trial court did not clearly in finding that termination of respondents' parental rights was not contrary to the children's best interests.

Affirmed.

/s/ Karen M. Fort Hood
/s/ Christopher M. Murray
/s/ Pat M. Donofrio